

## **REMARKS**

These remarks are responsive to the Office Action mailed on March 5, 2008 (“the Office Action”). The Applicant thanks the Examiner for a careful and thorough examination of the above-referenced Application, as well as the indication of allowable subject matter.

### **Status of the Claims**

At the time of the Office Action, Claims 22-29 and 33-44 were pending, with no claims being allowed, Claims 22-29 and 33-44 being rejected, and no claims being objected to. Claims 22, 29 and 33 are amended herein. Support for these amendments may be found throughout the Specification. No new matter is being submitted.

### **35 U.S.C. § 102 Rejections**

The Examiner has rejected all of the pending claims of the instant application based on each of the following three references: Healey (U.S. 2002/0187701), Airflo (EP 0 960 645 A2) and Healey (WO 01/32292 A1). Applicant has amended the pending claims rendering this ground of rejection moot.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131. The Applicant respectfully submits that the cited reference fails to anticipate the claims as currently amended.

As currently claimed, the independent Claim 22 requires that the mat of fibrous media have a first layer of increasing permeability which increases in a direction across the first layered mat portion and a second layered portion of increasing permeability

wherein the second varied permeability increases in a direction through the thickness the second layered mat portion, and wherein the permeability of the first layer is less than the permeability of the second layer. As a result of the claimed structure, the fibrous media mat has two layers wherein the permeability increases through the thickness of each layer, and wherein the permeability of the first layer is less than the permeability of the second layer.

Applicant's Figures 3 and 4, for example, show that within the first layer of the mat 17 the fibers are more closely spaced together, however such spacing increases moving downwardly through the thickness layer. Similarly, within layer 22, the fiber spacing increases moving downwardly across this area of mat 17 and thus the permeability of each layer increases through the thickness. The same structure is shown in Figure 4 moving through the thickness of layer 21 and layer 23. This provides variation or increase in the permeability within each layer and across the mat as a whole. Oppositely, moving in the reverse direction, the permeability could be said to decrease. Additional support is found in the first paragraph of the application at page 2, wherein the teachings provide, "the resulting attenuated fibrous layered mat has fiber layers, **each of** select fiber size and distribution and, if elected, a controlled surface **and variable permeability.**" (emphasis added).

Applicant has deleted the term "varied" from the claim language and further recites the variation as "increasing" since the permeability increases moving in a direction through the thickness of each layer and over the thickness of the mat as a whole. Alternatively, the permeability may be said to decrease through the thickness of each layer when moving in the opposite direction. Regardless, the variation of permeability

either decreases or increases across the each layer through the thickness of the layer. The thickness dimension is understood as the dimension moving from up to down or down to up across the layers of Figures 3, 4, 8, 10 and 12.

Similarly, referring to Claim 29, the claim requires that the mat of fibrous filter media have a first layer with approximate first varied fiber size and a second layer of varied fiber size, wherein the first layer has increasing permeability and is less than the second increasing permeability of the second layer. Again, as previously indicated, the prior art fails to describe the variation of permeability within each specific layer. Instead, the prior art teaches fiber sizes within each layer which change from layer to layer so that the permeability changes across the mat as a whole, **but not within each specific layer**.

Similarly, and with respect to Claim 33, each of the layers of the fibrous filter media is required to have a varied permeability within each layer. Such varied permeability causes a gradient across each layer and across the mat or media as a whole. Such gradient and increasing permeability within each layer is not taught or suggested by the cited prior art references, since the references teach consistency within any layer and increase or decrease of permeability across the media as a whole.

For at least the reasons set forth herein, the Applicant respectfully submits that the cited reference(s) fail(s) to anticipate independent claims 22, 29 and 33, and any claim depending therefrom. Thus, the Applicant respectfully requests that this rejection be withdrawn.

### **35 U.S.C. § 103 Rejections**

Claims 25, 40, 43 currently stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Airflo (EU 0 960 645 A2), in view of Healey (WO 01/32292

A1). The Applicant respectfully submits that the cited references, alone or combined, fail to render the present invention obvious.

As previously described, the cited references fail to teach the increasing permeability through any specific layer of material. Accordingly, the references fail to teach all of the elements of the independent claims and therefore fail to teach the missing elements of the dependent claims as well.

For at least the reasons set forth herein, the Applicant respectfully submits that the cited references fail to render obvious Claims 25, 40, 43. Thus, the Applicant respectfully requests that this ground of rejection be withdrawn.

### **Conclusion**

The Applicant respectfully submits that the application is in condition for allowance, and reconsideration and notice of allowance are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with the Applicant's counsel, in person or over the telephone, the Applicant's counsel would welcome the opportunity to do so.

Respectfully submitted,

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Date: August 5, 2008

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